1

2

4 5

6

7

8

9

10 11

12

VS.

13

1415

1617

18 19

20

2122

23

24

2526

27

28

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3:93-cr-00091-HDM-VPC

ORDER

Plaintiff,

CARLOS RIOS-HERNANDEZ,

UNITED STATES OF AMERICA,

Defendant.

)

Before the court is the defendant's motion for adjustment of term of incarceration or reduction in term (#203). Judgment was entered against the defendant on September 14, 1994, and the time for filing any appeal, however this is construed, has passed. See

R. App. P. 4; 28 U.S.C. § 2255. Further, defendant, who was convicted for offenses involving methamphetamine and marijuana, is not eligible for a reduction based on the Crack Cocaine Retroactive Amendment effective March 3, 2008. Accordingly, the defendant's motion for a reduction of term (#203) is denied. The defendant's application to proceed *in forma pauperis* (#200) is also denied.

Fed. R. Crim. P. 32; Fed. R. Crim. P. 33; Fed. R. Crim. P. 35; Fed.

DATED: This 10th day of April, 2008.

Howard & MEKiller

UNITED STATES DISTRICT JUDGE